

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
MIDLAND/ODESSA DIVISION

**GREGORY SCOTT,**  
*Plaintiff,*

**V.**

**BERKLEY REGIONAL  
INSURANCE COMPANY, TEXAS  
MUTUAL INSURANCE  
COMPANY,  
*Defendants.***

MO:23-CV-00046-DC

## ORDER ADOPTING REPORT AND RECOMMENDATION

BEFORE THE COURT is United States Magistrate Judge Ronald C. Griffin's Report and Recommendation ("R&R") filed in the above-captioned cause on July 5, 2023, in connection with Plaintiff Gregory Scott's Motion to Remand to State Court and Defendant Texas Mutual Insurance Company's Motion to Remand to State Court. (Doc. 19) This matter was referred to the Magistrate Judge.<sup>1</sup> None of the parties filed objections, and the deadline to do so has expired.

Any party who desires to object to a Magistrate Judge's findings and recommendations must serve and file written objections within 14 days after being served with a copy of the findings and recommendations.<sup>2</sup> Failure to file written objections to the R&R within 14 days after being served with a copy shall bar that party from *de novo* review by the district court of the proposed findings and recommendations.<sup>3</sup>

<sup>1</sup> See 28 U.S.C. § 636(b); Fed. R. Civ. P. 72.

<sup>2</sup> 28 U.S.C. § 636(b)(1).

<sup>3</sup> *Id.*

What's more, except upon grounds of plain error, it shall also bar the party from appellate review of proposed factual findings and legal conclusions accepted by the district court to which no objections were filed.<sup>4</sup>

Having reviewed the R&R, the Court finds it neither clearly erroneous nor contrary to law. Thus, the Court **ADOPTS** the R&R and **GRANTS** both motions.

It is therefore **ORDERED** that Plaintiff Gregory Scott's Motion to Remand to State Court and Defendant Texas Mutual Insurance Company's Motion to Remand to State Court be **GRANTED**. (Docs. 9, 11).

It is also **ORDERED** that this case be remanded to the 142nd District Court of Midland County, Texas.

It is also **ORDERED** that any other pending motions be **DENIED AS MOOT**

It is so **ORDERED**.

**SIGNED** this 20th day of July, 2023.

A handwritten signature in black ink, appearing to read 'David Counts', with a stylized star or 'A' shape at the end of the signature.

**DAVID COUNTS**  
**UNITED STATES DISTRICT JUDGE**

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<sup>4</sup> *Id.*; *Thomas v. Arn*, 474 U.S. 140, 150–53 (1985); *United States v. Wilson*, 864 F.2d 1219 (5th Cir. 1989) (per curiam).